

IN THE INCOME TAX APPELLATE TRIBUNAL, RAJKOT BENCH, RAJKOT

BEFORE DR. ARJUN LAL SAINI, ACCOUNTANT MEMBER

AND

SHRI DINESH MOHAN SINHA, JUDICIAL MEMBER

आयकर अपील सं./ITA No. 956/RJT/2024

(निर्धारण वर्ष / Assessment Year: NA)

Sant Trikam Shaheb Vadi Education and Charitable Trust At Vill-Ranuja, Tal-Kalavad (Shitla), Dist-Jamnagar-361160	Vs.	ITO Exemption, wd-2, Income Tax Office, New Aayakar Bhavan, Race Course Ring Road, Rajkot-360001
स्थायीलेखासं./जीआइआरसं./PAN/GIR No.: AAWTS5719E		
(Assessee)		(Respondent)

Assessee by : Shri Viral Vajani, Ld. AR
Respondent by : Shri Sanjay Punglia, Ld. CIT.DR
Date of Hearing : 08/10/2025
Date of Pronouncement : 13/10/2025

आदेश / O R D E R

Per, Dr. Arjun Lal Saini, AM:

Captioned appeal filed by the assessee, is directed against the order passed by the Learned Commissioner of Income Tax (Exemption), Ahmedabad [in short 'Ld. CIT(E)'], dated 26.02.2024, wherein the CIT(E) rejected the application of the assessee, filed in Form No.10AB, under Section 12A(1)(ac)(iii) of Income Tax Act, 1961 (in short 'the Act'), stating that assessee- trust has failed to file documentary evidences to satisfy about genuineness of the activities and objects of the trust.

2. The grievances raised by the assessee are as follows:

"1. The Commissioner of Income Tax (Exemption) has erred on facts and in law in rejecting application for registration u/s.12A(1)(ac) (iii) of Income Tax



Act, 1961 being appellant has not submitted / filed documentary evidences to satisfy about genuineness of the activities of the trust or institutions and activities of trust or institutions are in consonance with the objects of the trust or institutions and other laws material for the purpose of achieving objects are complied with.

The appellant craves leave to add, alter, amend, delete or withdraw one or more ground of appeal”

3. The appeal filed by the assessee is barred by limitation by 244 days. The assessee has moved a petition requesting the Bench to condone the delay. Learned Counsel for the assessee, has explained the delay stating that their trust had got provisional registration on 27/05/2021 and later on, the assessee had made application for registration u/s 12A(a) in form No. 10AB on 16/09/2023. The notices, dated 08/11/2023 and 07/12/2023 were sent by learned CIT(E), on line portal. However, the assessee was not used to visit income tax portal or access the mail ID. Therefore, assessee could not respond to notices of ld.CIT(E) therefore, registration of assessee was cancelled on 26/02/2024. However, assessee was totally unaware about passing of the order of ld.CIT(E). Therefore, assessee could not file appeal to Income Tax Appellate Tribunal within 2 months’ time. Based on the contention stated in the petition for condonation of delay, the Ld. Counsel for the assessee argued that assessee had explained sufficient cause, therefore delay should be condoned.

5. On the other hand, the Ld. DR for the revenue submitted that the assessee had failed to explain the sufficient cause, therefore delay should not be condoned.

6. We have heard both the parties on this preliminary issue. The learned Counsel for the assessee adverted our attention to the affidavit filed in this regard citing reasons for condonation of delay and urged for a benign view and sought condonation of delay of 244



days in filing the appeal before the Tribunal. A perusal of the affidavit gives us an impression of existence of mitigating circumstances to enable us to exercise our discretion in favour of the assessee. Accordingly, the delay is condoned

7. On merit, the Ld. Counsel of the assessee submitted that during the appellate proceedings before the Ld.CIT(E), the assessee could not file the relevant documents and evidences, therefore the Ld.CIT(E) has passed an *ex-parte* order. Now, the assessee is ready to file the relevant documents and evidences for registration of the trust, therefore, the Ld. Counsel contended that one more opportunity should be given to the assessee to file the relevant documents and evidences before the Ld.CIT(E).

8. On the other hand, the Ld. DR for the revenue submitted that the assessee was negligent in his approach during the proceedings before Ld.CIT(E), as the assessee had wasted time and resources of the Lower Authorities, therefore, a minimum cost of Rs. 10,000/- should be imposed on the assessee.

9. We have heard both the parties and perused the material available on record. We note that during the proceedings before the Ld.CIT(E), the assessee could not file the relevant documents and evidences before the Ld.CIT(E), therefore Ld.CIT(E) has passed an *ex-parte* order. We note that now the assessee is ready to submit the documents and evidences before the Ld.CIT(E), therefore, we are of the view that one more opportunity should be given to the assessee to plead his case before the Ld.CIT(E). However, on account of non-compliance attitude of the assessee a cost of Rs.10,000/- is imposed on the assessee, which should be deposited by the assessee in Prime Minister National Relief Fund. Therefore, we deem it fit and proper



to set aside the order of the Id. CIT(E) and remit the matter back to the file of the Id. CIT(E) to adjudicate the issue afresh on merits. It is needless to say that the assessee will be at liberty to adduce any evidences as deemed relevant before the Id.CIT(E) at the time of proceedings before him, in consequence to this order and the Id.CIT(E) shall, allow the assessee adequate opportunity of being, heard and to make relevant submissions, and then pass a speaking order which is fair and judicious.

10. In the result, appeal filed by the assessee, is allowed for statistical purposes.

Order is pronounced in the open court on 13/10/2025.

Sd/-

**(DINESH MOHAN SINHA)
JUDICIAL MEMBER**

Rajkot

दिनांक/ Date: 13/10/2025

Copy of the Order forwarded to

1. The Assessee
2. The Respondent
3. The CIT(A)
4. Pr. CIT
5. DR/AR, ITAT, Rajkot
6. Guard File

Sd/-

**(Dr. A.L. SAINI)
ACCOUNTANT MEMBER**

By order

Assistant Registrar/Sr. PS/PS
ITAT, Rajkot